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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,257	10/19/2001	Franc J. Camara	MS1-262USC1	5410
22801	7590	03/22/2004	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			BAUTISTA, XIOMARA L	
			ART UNIT	PAPER NUMBER
			2173	7

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/087,257

Applicant(s)

CAMARA ET AL.

Examiner

X L Bautista

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 25-33,45-48 and 50-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-33,45-48 and 50-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3&amp;5</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 12/31/03 have been fully considered but they are not persuasive.

A. Applicant argues (claim 25) that "...a user interface comprising a graphical window having a preview scan space, the preview scan space being initially empty prior to a time when the scanner scans an image, the user interface progressively displaying the image within the preview scan space to visually convey that the scanner is scanning the image...which is not taught, disclosed, suggested or motivated by Santos or IBM, alone or in any proper combination." (page 18, lines 4-10).

In response, Santos discloses a user interface having a graphical window having a preview scan space, which is empty prior to a time when the scanner scans an image (figs. 1-7). IBM teaches that data from a scanner could be displayed so the user can view the scanned image as the compressed data is passed to the workstation controller (progressively displaying the image within the preview scan space to visually convey that the scanner is scanning the image), (page 478, lines 22-25).

B. Applicant argues (claim 25) that "[t]here is simply nothing in [IBM]...that teaches, discloses, suggests or motivates 'the user interface progressively

displaying the image within the preview scan space to visually convey that the scanner is scanning the image', as recited..." (page 19, lines 11-13).

In response, IBM discloses an image scanning application programming interface (API) that can be added on a host system; the host application enabled to have a menu where the user initiates image scanning. IBM teaches a Preview Mode, wherein data from the scanner could be displayed in an Online Setup Mode Screen so that the user can view the scanned image as the compressed data is passed to the work station controllers (WSC), (pages 475 and 478).

C. Applicant argues (claim 25) that "neither reference provides any teaching, disclosure, suggestion or motivation for 'the preview scan space being initially empty prior to a time when the scanner scans an image..." (page 19, lines 14-16).

In response, the preview scan space displays a preview image after the user selects preview scan in menu 42 of window 44, which is empty prior the user's selection (figs. 4-6).

D. Applicant argues that "Claim 45 recites 'An application program interface for an image acquisition system, the application program interface being embodied on a computer-readable medium and having methods for performing the following functions: opening and closing a camera for communication; controlling the camera; reading properties associated with the camera; reading properties associated with pictures taken by the camera; and manipulating pictures stored in a

memory of the camera', which is not taught, disclosed, suggested or motivated by Santos or IBM in any proper combination." (page 19, lines 17-24).

In response, Claim 45 recites "For a computer-implemented scanning system having a scanner coupled to a computer, a computer-implemented method for executing a scanning software application in a graphical user interface windowing environment, comprising the following steps: presenting a preview scan space within a graphical window, the preview scan space being initially empty; and progressively displaying an image within the preview scan space to visually convey that the scanner is scanning the image." Claim 45 does not mention a camera but a scanner. In addition, Santos discloses a preview scan space within a graphical window that is initially empty (figs. 4-6), and IBM teaches that the image is progressively displayed when being scanned (page 478).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 25-32 and 45-48 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over *Santos* (US 4,837,635) and *IBM Technical Disclosure Bulletin* entitled "Host System and Attached Non-Programmable Terminal with Open Parallel Port" (hereinafter IBM).

Claims 25-27 and 45-47:

Santos discloses a computer-implemented scanning system having a scanner coupled to a computer (fig. 1), a user interface having a graphical window having a preview scan space (figs. 1-7) being initially empty prior to a time when the scanner scans an image. Santos does not teach that the interface progressively displays the image within the preview scan space to visually convey that the scanner is scanning the image. However, IBM discloses a method for providing a host system with an application programming interface (API). IBM teaches that data from the scanner could be displayed so the user can view the scanned image as the compressed data is passed to the workstation controller (page 475, 1<sup>st</sup> & last paragraph; page 476, lines 2-3, 18-19; page 477, lines 16-17; page 478, lines 22-25). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a scan area that progressively displays the image as the scanner scans the image because it enables the user to see in real-time what the imaging device is capturing and cancel the scan processing if desired.

Claims 28 and 48:

Santos teaches a persistently-visible menu positioned adjacent the preview scan space within the graphical window, the menu contains options particular to the operation of the scanner (figs. 4-12).

Claim 29:

Santos teaches presenting the user with options on what to do with the scanned image (figs. 5, 8, 9).

Claim 30:

Santos teaches a user interface having a control to enable a user to select a portion of the image for scanning (figs. 7, 10, 11; col. 2, lines 62-64).

Claim 31:

See claim 25. Santos teaches a file system (col. 2, lines 41-64).

Claim 32:

Santos teaches a software (operating system) that controls the allocation and usage of hardware resources such as memory, CPU time, disk space, and peripheral devices (col. 2, lines 6-44).

**4. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Santos/IBM and Tarabella (US 5,796,945).**

Claim 33:

See claim 25. Santos/IBM does not teach that a browser is embodied on the computer system incorporating the user interface. However, Tarabella discloses a system including a user interface for collecting a series of image collections for display, the system having an on-line browsing software and a browser button 152 that launches the on-line software directly from the connection window (abstract; col. 2, lines 21-44; col. 7, lines 45-54). Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Santos/IBM's image acquisition system to include Tarabellas's user interface having a browser because as Tarabella says, the browser enables the user to access commercial information networks.

5. **Claims 50-57 and 59-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Lavendel et al* (US 6,587,129 B1) and *IBM*.**

Claims 50-52, 59-61, 63 and 64:

See claim 25. Lavendel discloses an interface having a graphics window including a context space, a menu, and toolbar area, the context space being separate from the menu and tool bar area; a preview scan space within the context space, the preview scan space being initially empty prior to a time when the scanner scans an image. Lavendel teaches a persistently-visible, context-specific



menu positioned adjacent the preview scan space within the context space (figs. 7-11e; col. 2, lines 63-67; col. 3, lines 1-24, 33-46; abstract). Lavendel does not teach that the user interface progressively displays the image within the preview scan space to visually convey that the scanner is scanning the image. However, IBM teaches that data from the scanner could be displayed so the user can view the scanned image as the compressed data is passed to the workstation controller (pages 475 and 478). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lavendel's user interface to include IBM's teaching of a scan area that progressively displays the image as the scanner scans the image because it enables the user to see in real-time what the imaging device is capturing and cancel the scan processing if desired.

Claims 53 and 62:

See claim 50. Lavendel teaches menu options for operating the scanner, and contains a plurality of pull-down lists (figs. 7, 8, 10a, 10b, 11b-11e).

Claim 54:

Lavendel teaches presenting the user with options on what to do with the scanned image (figs. 7-11e).

Claim 55:

Lavendel teaches a user interface having a control to enable a user to select

a portion of the image to scan in a final output (fig. 7; col. 9, lines 23-28).

Claim 56:

Lavendel teaches a file system (col. 9, lines 23-28; col. 10, lines 33-38).

Claim 57:

Lavendel teaches a computer-readable medium incorporating the computer-executable process steps provided by user interface module 46 (col. 9, lines 1-6; col. 20, lines 33-48; col. 21, lines 9-24).

**6. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Lavendel/IBM* and *Tarabella*.**

Claim 58:

See claim 50. Lavendel/IBM does not teach that a browser is embodied on the computer system incorporating the user interface. However, Tarabella discloses a system including a user interface for collecting a series of image collections for display, the system having an on-line browsing software and a browser button 152 that launches the on-line software directly from the connection window (abstract; col. 2, lines 21-44; col. 7, lines 45-54). Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Lavendel/IBM's image acquisition system to include Tarabellas's user interface having a browser because as Tarabella says, the browser enables the

user to access commercial information networks.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

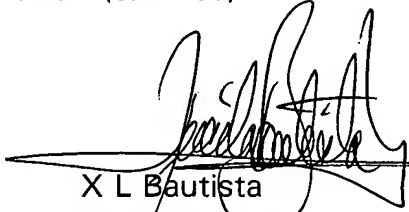
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

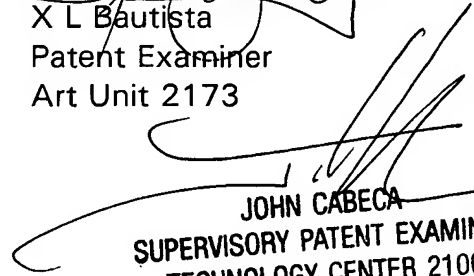
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on Monday-Thursday (8:00-18:00), Fridays Off.

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9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
X L Bautista  
Patent Examiner  
Art Unit 2173

  
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xlb  
March 17, 2004